

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 101

The question is whether an employee's outside employment as a customs inspector for the federal government is in conflict with his duties and responsibilities as an investigator for a City agency. The Ethics Commission [Commission] is of the opinion that there is no conflict.

Upon examining the position title of the City employee and his position title for the Federal Customs Service the Commission finds that the basic functions do not appear to overlap. As an investigator, he is assigned to a case and submits the results of his investigation. He may have police powers as an investigator, but it is not his primary duty and function. Such police powers are generally exercised when he has to go beyond the bounds as an investigator to conduct his investigation; for example, he serves subpoenas and summonses. As a customs inspector, he checks the contents of baggage for contraband or checks to see if the declaration matches the purchases made by the traveler in the foreign country. His duties as a customs inspector do not extend beyond the confines of the customs inspection area of the airport. Moreover, he has no duty to conduct investigations and submit his findings regarding violation of the customs laws.

Also, if the employee exercises secondary duties and responsibilities as a police officer, his jurisdiction will not extend over persons or items going through the federal customs service, nor will his duties and responsibilities as a customs inspector give him jurisdiction over persons and/or property which are within the jurisdiction of either the police or prosecutor. Thus, the Commission concludes that there is no common subject matter over which his duties as a customs inspector and his duties as an investigator will converge. Therefore, the Commission concludes that there is only a remote probability of a conflict of interest arising from his part-time employment as a customs inspector.

Dated: October 19, 1981

REV. WILLIAM SMITH
Chair, Ethics Commission